REMARKS

These remarks are in response to the outstanding Official Action dated February 26, 2003, in which the Examiner has rejected claims 1-42. Applicant notes that the pending Official Action is substantively identical to the prior Official Action, with Japanese patent JP 07-155462 to *Toshihiro, et al.* used in place of *Goden, et al.* In view of the within remarks, reconsideration of the Examiner's rejection is respectfully requested. Applicant has enclosed herewith a partial English-language translation of *Toshihiro, et al.* as Appendix A.

In the Official Action the Examiner has rejected claims 1, 9, 19-20, 32 and 39 under 35 U.S.C. §102(b) as being anticipated by *Toshihiro, et al.*; claims 2, 11 and 36 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.*; claims 3-5, 12, 13, 15, 35, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of Rieder, U.S. Patent No. 5,769,718; claim 14 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of *Rieder* in further view of *Mukojima, et al.*, U.S. Patent No. 5,768,393; claims 6, 7, 16, 17, 34 and 40 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of *Logg*, U.S. Patent No. 5,616,031; claim 41 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of *Logg* in further view of *Mukojima et al.*; claims 8, 18 and 42 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of "Corpse Killer" (Video Game by 3DO); claims 10, 21, 22, 30, 31 and 33 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of *Mukojima et al.*; claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over *Toshihiro, et al.* in view of *Mukojima, et al.* in further view of *Raider*; claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over

Toshihiro, et al. in view of *Mukojima, et al.* in further view of *Logg;* and claim 29 under 35 U.S.C. §103(a) as being unpatentable *Toshihiro, et al.* in view of *Mukojima, et al.* in further view of "Corpse Killer" (Video Game by 3DO). In view of the within remarks, the Examiner's rejection is considered traversed and should therefore be withdrawn.

The Examiner states that *Toshihiro, et al.* discloses "an image processing method executed by a computer (video game) that <u>detects the display position and motion of a character</u> controlled by a player via input from a joystick and push buttons on the display unit, and <u>based on the detected display position and motion provides one or more of several display images to be displayed on the display unit</u>", Official Action, page 3, numbered item 5, emphasis added.

Contrary to the Examiner's statement, *Toshihiro, et al.* only discloses changing the display image either in response to a player operating a switch or control, *Toshihiro, et al.,* paragraph 16, or changing the display image in response to "current position", "traveling direction" and "speed", *Toshihiro, et al.,* paragraph 10. Current position, direction and speed are different criteria from "display position and motion" as used in the present invention. Particularly, the term "motion" means "a meaningful or expressive change in the position of a body or part of a body" or "the act or process of changing position or place" (from The American Heritage College Dictionary, copy of relevant page attached). It is thus clear that "motion" as used in the present invention and "traveling direction" as used in *Toshihiro, et al.* are distinctively different terms. Moreover, detection of character motion as in the Applicant's invention is an easier task than determining a character's speed and direction, as in *Toshihiro, et al.*

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Considering Applicant's independent claim 1, the display position and motion of a character are used to determine the _type_ or _mode_ of display, such as the "scene image" of claim 1 changing between a subject and objective type of display. _Toshihiro, et al._ instead generates the _viewable_ display based on the "position and direction of the character". For example, consider the use of the term "polygon" in _Toshihiro, et al._, paragraph 13, _italics_ added:

> [0013] Furthermore, when view position data, three-dimensional _polygon_ data, current position data of a mobile, and radar cover data etc. are stored in the parameter memory 140 and 142, three-dimensional _polygon_ data etc. will be projected on display system of coordinates by coordinate transformation equipment 150, and the depth data of each _polygon_ are calculated, and further 2-dimensional _polygon_ data for a display sorted by depth data are outputted to _polygon_ paint equipment 152.

Toshihiro, et al. thus makes no reference to changing the _type_ of display or _view_ based on display position and motion of a character. As demonstrated by paragraph 13, above, the position of the character is used merely to generate the correct polygon information for the viewable display, not to determine the _type_ of display view. The feature of Applicant's invention whereby the type of view to be displayed is dependent on the display position and motion of the character is simply not disclosed in _Toshihiro, et al._ Thus, independent claim 1 is distinguished over _Toshihiro, et al._

Furthermore, _Toshihiro, et al._ provides only two ways for the views to actually be changed. Paragraph 16 of _Toshihiro, et al._ states "pushdown switches, which are provided in parallel and the number [that] is same as that of views, are

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provided as change means 10, and each of the switches corresponds to each of views 1 to 4". The only alternative way of switching views provided by *Toshihiro, et al.* is by use of "only one switch ... and each time as the switch is pressed, [the] view point is subsequently changed such as view point 1 -> view point 2 -> view point 3 -> view point 4". Therefore, *Toshihiro, et al.* utterly fails to disclose or suggest changing the *type* of view based on the character's position and motion.

As to Applicant's independent claims 9 and 32, these claims are similarly patentable over the Examiner's citation to *Toshihiro, et al.* for those reasons advanced with respect to claim 1. Here again, these claims all include changing the image view based on the detected position and motion of the character, which is not disclosed in *Toshihiro, et al.* The Examiner's rejection of these independent claims, as well as their dependent claims should therefore be withdrawn.

Moreover, none of the other cited references provide the element of Applicant's invention whereby the type of view is changed in response to the character's motion. Thus, no combination of the references cited in any way anticipates Applicant's invention, and all such rejections should be withdrawn.

Further with respect to independent claim 21, there is further included a sound effect producing section which produces a sound effect corresponding to the position and motion of the character. The Examiner acknowledges that *Toshihiro, et al.* does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Also, *Toshihiro, et al.* does not explicitly disclose that different sound effects are produced depending on the motion and

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position of the character, nor does *Toshihiro, et al.* explicitly disclose that different sound effects are produced depending on the scene image displayed on the display unit. To this end, the Examiner refers to *Mukojima, et al.* for purportedly disclosing these features, which are combinable with *Toshihiro, et al.* to render Applicant's claimed invention obvious.

First, without more, claim 21 is patentable over the combination of *Toshihiro, et al.* and *Mukojima, et al.* for those reasons noted hereinabove. However, the three dimensional sound system disclosed in *Mukojima, et al.* is arranged to control sound to be generated from a virtual sound source, i.e., each of polygons forming an object, according to a position and direction of the polygon when the object is viewed from a viewpoint. Accordingly, the suggested combination of *Toshihiro, et al.* and *Mukojima, et al.* fails to disclose producing different sound effects depending on which of the subjective and objective scene images is displayed as set forth in claim 21. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 26, 2003   Respectfully submitted,

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